IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 15TH NOVEMBER 2006 / 24TH KARTHIKA 1928

WP(C).No. 7675 of 2006(L)

PETITIONER:

---

1. NARAYANAN NAIR,
   S/O.NANIKUTTY AMMA, AGED 60 YEARS,
   KARIMALY HOUSE, MANJOOR, NANDIPULAN VILLAGE,
   MUKUNDAPURAM TALUK.

2. SAJU, S/O.NARAYANAN NAIR,
   KARIMALY HOUSE, MANJOOR, NANDIPULAM VILLAGE,
   MUKUNDAPURAM TALUK.

3. SUDHEER, S/O.NARAYANAN NAIR,
   KARIMALY HOUSE, MANJOOR, NANDIPULAM VILLAGE,
   MUKUNDAPURAM TALUK.

4. BINDU, D/O.NARAYANAN NAIR,
   KARIMALY HOUSE, MANJOOR, NANDIPULAM VILLAGE,
   MUKUNDAPURAM TALUK.

5. SANTHOSH, S/O.AYYAPPAN NAIR,
   KARIMALY HOUSE, MANJOOR, NANDIPULAM VILLAGE,
   MUKUNDAPURAM TALUK.

6. RAVI, S/O.KRISHNAN NAIR,
   PONEDETH HOUSE, MANJOOR, NANDIPULAM VILLAGE,
   MUKUNDAPURAM TALUK.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK
SRI.M.X.ANTONY LIJO

RESPONDENTS:

---

1. THE SALE OFFICER,
   NANDIPULAM SERVICE CO-OPERATIVE BANK LTD.,
   OFFICE OF THE ASST. REGISTRAR,
   CO-OPERATIVE SOCIETIES, IRINJALAKUDA.

2. THE ASST. REGISTRAR,
CO-OPERATIVE SOCIETIES, IRINJALAKKUDA.

3. NANDIPULAM SERVICE CO-OPERATIVE BANK
LTD., NANDIPULAM, THRISSUR DISTRICT,
REP. BY ITS SECRETARY.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA
GOVERNMENT PLEADER P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1- TRUE COPY OF THE CHART SHOWING DETAILS OF THE LOANS AVAILED BY THE PETITIONERS FROM THE THIRD RESPONDENT.

EXT.P2- TRUE COPY OF THE PETITION DATED 25.7.2000 ISSUED BY THE THIRD RESPONDENT TO THE FIRST PETITIONER.

EXT.P3- TRUE COPY OF THE PETITION DATED 25.7.2000 ISSUED BY THE THIRD RESPONDENT TO THE THIRD PETITIONER.

EXT.P4- TRUE COPY OF THE PETITION DATED 25.7.2006 ISSUED BY THE THIRD RESPONDENT TO THE FOURTH PETITIONER.

EXT.P5- TRUE COPY OF THE PETITIONER DATED 25.7.2000 ISSUED BY THE THIRD RESPONDENT TO THE FIFTH PETITIONER.

EXT.P6- TRUE COPY OF THE PETITION DATED 25.7.2000 ISSUED BY THE THIRD RESPONDENT TO THE SIXTH PETITIONER.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 7675/2006

Dated this 15th day of November, 2006

JUDGMENT

The petitioners had availed loan under various loan facilities, as could be seen from Ext.P1, from the third respondent-bank. The payments were not effected and premium was not paid. Because of the default, the bank initiated steps against them, as could be seen from Exts. P2 to P6. Therefore, writ petitioners came before this Court praying, inter alia, to direct the respondents to provide adequate monthly instalment facilities to them, and to allow them to pay the amounts, due to the third respondent, after the latter supplying the detailed statements of account of the debts of the writ petitioners.

2. When the writ petition came up for admission, this Court, as per the order dated 15.3.2006, directed the petitioners to remit an amount of Rs.75,000/-, within two months from that date and also continue to pay an instalment of Rs.40,000/- each per month, on the last day of every succeeding month, computing the period from the payment of Rs.75,000/-, as ordered above.

3. It is the complaint of the third respondent that the petitioners had defaulted the payment. However, counsel for the writ petitioners submit that they had remitted an amount of Rs.50,000/-, and the balance amount was not paid to the third respondent, as the conditions stipulated in the order of this Court had elapsed. The counsel further submitted that the petitioners are prepared to pay the balance amount of Rs.25,000/-, as per the order of 15.3.2006, and also the instalment amount, as ordered by this Court. Hence the counsel prays that the instalment amount of Rs.40,000/- may be reduced and they may be allowed to remit the amount on easy instalments.

4. After hearing both sides and considering the facts that are placed before me, together with the submissions of the learned counsel for the third respondent, I direct as follows:-

> (a). The writ petitioners shall remit an amount of Rs.25,000/- within 15 days from today before the third respondent. Immediately on remittance of that amount, the third respondent-bank, shall supply the writ

petitioners the statement(s) of accounts about the balance amount due from them to the third respondent, within one week from the date of remittance of Rs.25,000/-.

(b). The writ petitioners shall remit the entire balance amount due to the third respondent in 15 equal monthly instalments, starting from the same date of next succeeding month, paying Rs.25,000/-, as ordered above.

(c). There shall be no default of any payment of the instalment amount to the third respondent. In case of any default, the facility of the payment through instalments will lapse and the third respondent will be at liberty to take appropriate proceedings against the petitioners in which event, the entire amount shall be paid to the writ petitioners in lump.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs